

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated October 28, 2004. Claims 1-13 are currently pending in the application. As indicated above, Claim 1 has been amended.

In the Office Action, the Examiner has rejected Claims 1, 2, 4, and 7-10 under 35 U.S.C. § 102(b) as being anticipated by *Yoon et al.* (U.S. 6,208,147), Claims 3, 5, and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Yoon* in view of *Oyama* (U.S. 2003/0082458), Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Yoon* in view of *Yoon et al.* (U.S. 6,160,382), and Claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over as being unpatentable over *Yoon* in view of *Yoon et al.* (U.S. 6,160,382), and further in view of *Oyama*.

With regard to the rejection of independent Claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Yoon*, the Examiner asserts that *Yoon* teaches all the recitations of Claim 1. However, it is respectfully submitted that the Examiner is incorrect.

The present invention is directed to evaluating a discharge capacity of an unknown battery of a same group, which it is respectfully submitted, is not taught in any of the cited references. Among other things, Claim 1 recites *comparing the mathematical operation value of the resistance components with an initial discharge capacity graph to evaluate an initial discharge capacity of an unknown battery of the same group*. It is respectfully submitted that this feature of the present invention is shown in the graphs illustrated in FIGs. 8-12 of the present application.

In the rejection, however, the Examiner asserts that FIG. 7 of *Yoon* teaches this feature. As indicated above, it is respectfully submitted that the Examiner is incorrect. More specifically, FIG. 7 of *Yoon* is a graph comparing a charge transfer resistance and a

remaining capacity, not a graph comparing mathematical operation values of the resistance components ($R_{ser} \times R_{ct}$) with an initial discharge capacity graph (Initial Discharge Capacity) as shown in FIGS. 8-12 and recited in independent Claim 1 of the present application. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claim 1 as being anticipated by *Yoon*, and respectfully requested that the rejection of Claim 1 be withdrawn.

Based on the arguments and amendments presented above, it is respectfully submitted that independent Claim 1 is in condition for allowance. Without conceding the patentability per se of the pending dependent claims, they are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, reconsideration and withdrawal of the rejections and objections of the dependent claims are respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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